



ATTORNEY DOCKET NO.: 15115/003001
U.S. PATENT APPLICATION SERIAL NO.: 09/885,296

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

13/*Response/Election*
Souman

Applicant : Atsushi SHIMIZU

Art Unit : 3629

Serial No.: 09/885,296

Examiner : J. Ouellette

Filed : June 20, 2001

3-103

Title : METHOD OF SETTING DIRECTION OF GROWING PERSONNEL, METHOD OF SELECTING SUPPLEMENTARY CAPABILITY, METHOD OF SELECTING SUPPLEMENTARY PERSONNEL, METHOD OF EVALUATING PERSONNEL, SYSTEM OF FORMING PERSONNEL FOSTERING PLAN, PERSONNEL SUPPLEMENTING SYSTEM, BUSINESS ACHIEVEMENT ASSESSING SYSTEM AND INFORMATION TRANSMITTING MEDIUM

Assistant Commissioner for Patents
Washington, DC 20231

REPLY UNDER 37 CFR § 1.111

*RECEIVED
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GROUP 3600*

Dear Sir:

In response to the Restriction Requirement dated February 5, 2003, Applicant respectfully traverses the requirement to restrict the application and requests reconsideration in view of the following remarks. Applicant provisionally elects claims designated as Group I (*i.e.*, claims 1-5, 9-11, 20, and 21) for continued prosecution.

REMARKS

In the restriction requirement, it is asserted that claims designated as Group I (*i.e.*, claims 1-5, 9-11, 20, and 21), claims designated as Group II (*i.e.*, claims 6, 7, and 12-17), and claims designated as Group III (*i.e.*, claims 8, 18, 19, and 22) are drawn towards distinct inventions. For claims to be properly restricted, the claims must be found to be independent or distinct, *and* there must be a serious burden on the Examiner. See MPEP § 803.

Addressing the second requirement, in order to establish a proper restriction, a rebuttable *prima facie* case explaining that the burden exists due to either separate classification, separate status in the art, or a different field of search must be shown. MPEP § 808.02 sets forth what constitutes a separate status in the art. Specifically, “[e]ven though they are classified together, each subject can be shown to have formed a separate subject for inventive effort when